



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,672	11/21/2003	Raymond J. Menard	1383.021US2	1313

21186 7590 08/04/2005

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. BOX 2938

MINNEAPOLIS, MN 55402-0938

EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,672	Applicant(s) MENARD ET AL.	
	Examiner Stella L. Woo	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The specification fails to provide support for using the location of the portable transceiver to assist in determining the level of severity.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2-6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman et al. (US 5,742,233, hereinafter "Hoffman").

Regarding claims 2, 4, Hoffman discloses a portable device (portable signaling unit 20; Figure 5) comprising:

a location determining module (GPS receiver 100);

Art Unit: 2643

a wireless transceiver (cellular transmitter 110/cellular receiver 108) adapted for bidirectional communication with a monitoring service (central dispatch station 80);

a first button (manual switch 42a indicates a first type of emergency; col. 8, lines 55-60), the first message generated as a function of a location (in any alarm condition, the transmitter 110 sends a message including longitude and latitude coordinate data; col. 12, lines 14-23);

a second button (manual switch 42b indicates an emergency of higher priority; col. 8, lines 55-60), the second message generated as a function of a location (in any alarm condition, the transmitter 110 sends a message including longitude and latitude coordinate data; col. 12, lines 14-23).

Regarding claim 3, Hoffman provides a third button (manual switch 42c indicates an emergency with a third level of priority; col. 8, lines 55-60).

Regarding claim 5, an emergency situation can be determined based on the location of the signaling unit, that is, whether or not the unit is within a preset boundary (col. 13, lines 50-57).

Regarding claim 6, Hoffman provides a cellular transceiver 108/110 and cellular telephone antenna 26 (Figure 5).

Regarding claim 8, first and second buttons are manual switches (42a and 42b).

5. Claims 19-23, 25, 28, 30-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Clise et al. (US 5,797,091, hereinafter "Clise").

Regarding claims 19-23, 30-32, 36-40, Clise discloses a method comprising:

Art Unit: 2643

receiving a request message wirelessly transmitted from a portable transceiver (personal communicator 10 wirelessly transmits to a private response center 22 a select message including location information; col. 4, lines 35-44; col. 5, lines 34-50);

as a function of the received request message, selecting a subsequent message (private response center 22 transmits a subsequent message as function of the received request message from personal communicator 10; Figure 1; col. 3, lines 24-32); and

transmitting the selected subsequent message;

wherein transmitting the first message includes transmitting in a protocol compatible with a receiver of the portable transceiver (response center 22 can transmit a message via wireless link; col. 3, line 31);

wherein transmitting the second message includes transmitting to a first guardian (response center 22 can contact a designated family member; col. 3, lines 40-43; col. 5, lines 3-12); and

wherein transmitting the third message includes transmitting to a public safety answering point (response center 22 can contact an emergency response center 26 (col. 3, lines 24-34).

Regarding claim 25, buttons 12c-12f are programmable and can be customized to fit the needs of each individual user (co. 5, lines 34-50).

Regarding claim 28, Clise provides for modem communication (col. 3, line 21).

Regarding claims 33-35, Clise shows a GPS receiver 80 for providing position data (col. 3, lines 49-51).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Agre et al. (US 6,073,013, hereinafter "Agre").

Hoffman differs from claim 7 in that it does not specify the portable signaling unit as being a personal data assistant. However, Agre, from the same field of endeavor, teaches the well known placement of an emergency call from various wireless communications devices, including a personal data assistant (col. 4, lines 49-52) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a personal data assistant, as taught by Agre, within the system of Hoffman as the portable signaling unit.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Simms et al. (US 5,334,974, hereinafter "Simms").

Hoffman differs from claim 9 in that it does not specify the first and second buttons as being touch sensitive regions. However, Simms, from the same field of endeavor, teaches the well known use of touch sensitive buttons as an alternative to conventional push button switches for requesting emergency assistance (col. 6, lines 35-39) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of touch sensitive buttons, as taught by Simms, as an alternative to the manual switch buttons of Hoffman.

Art Unit: 2643

9. Claims 10- are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Nojima (US 5,933,080).

Hoffman differs from claim 10 in that although it provides a central dispatch station which can contact the proper emergency authorities (col. 13, lines 31-34) as well as a parent or guardian (col. 13, lines 36-42), it does not specify the central dispatch station as including a means for storing a plurality of responsive messages and sending a responsive message to a contact. However, Nojima, from the same field of endeavor, teaches the desirability of a remote monitoring service (Mayday Center 24) including means for storing a plurality of contacts (home 42, work place 40, card dealer 38, road service 36, road administrator 34, fire department 32, police station 30), means of storing a plurality of responsive messages (emergency reports would include location information type of road and type of accident, vehicle ID such as license plate number; col. 4, line 56 – col. 5, line 13), and sending a responsive message to a contact based on the priority of the wireless request and location generated by the module (an emergency report is sent to the appropriate contact based on the severity level of the accident and the location of the caller; col. 3, lines 34-42; col. 3, line 61 – col. 5, line 58). It would have been obvious to an artisan of ordinary skill to incorporate such additional notification operations, as taught by Nojima, within the system of Hoffman in order to automatically notify the appropriate persons/institutions based on the type of emergency and location in the event of an emergency call.

Regarding claim 11, in Nojima, the emergency report message includes location information (col. 4, lines 56-67).

Art Unit: 2643

Regarding claim 12, in Hoffman, the appropriate emergency service authority would be called by the central dispatch operator (col. 13, lines 31-34).

Regarding claims 13-17, it would have been obvious to an artisan of ordinary skill at the time of invention to use any available wireless communication protocol within the combination of Hoffman and Nojima for providing the wireless communication between the portable alarm unit and the remote monitoring service.

Regarding claim 18, both Hoffman (GPS receiver 100) and Nojima (GPS unit 14) provide a global position system module.

10. Claims 24, 26-27, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clise in view of Carrier et al. (US 5,195,126, hereinafter "Carrier").

Clise differs from claims 24, 26-27, 29 in that it does not specify transmitting to a second guardian if the an acknowledgement is not received within a predetermined time period, selecting a first guardian from a look-up table or a prioritized list of guardians or verifying an emergency. However, Carrier, from the same field of endeavor, teaches the desirability of prompting an answering party for an acknowledgement ("#" key indicates delivery confirmation; col. 4, lines 60-65), sequentially contacting designated parties 126, 128, 130,... until a prescribed number of connections have been established (col. 7, lines 51-54; col. 8, lines 6-11; col. 12, lines 22-29), and communicating with the subscriber to verify the emergency (col. 9, lines 19-24). It would have been obvious to an artisan of ordinary skill to incorporate such well known emergency notification features, as taught by Carrier, within the method of Clise in order to provide additional messaging options to the subscriber.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boling et al., Houde et al., Smith, Jr., and DeFino show other relevant emergency reporting systems.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

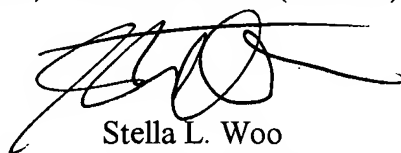
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a stylized, cursive flourish extending to the right.

Stella L. Woo
Primary Examiner
Art Unit 2643